

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EVERGREEN SAFETY COUNCIL, a Washington  
nonprofit corporation

Plaintiff,

v.

RSA NETWORK, INC., a dba for Starfish Network,  
Inc., a Utah corporation,

Defendants.

No. 2:09-cv-1643

**DECLARATION OF TOM  
ODEGAARD IN SUPPORT OF  
EVERGREEN SAFETY COUNCIL'S  
RESPONSE TO RSA'S MOTION  
FOR RECONSIDERATION**


I, TOM ODEGAARD, declare as follows:

1. I am authorized to make this declaration and make it based upon my personal knowledge or where indicated information.

2. I am the president and executive director of the Evergreen Safety Council (Evergreen). I submit this declaration in support of the Safety Council, Inc.'s response to the reconsideration motion brought by defendant RSA Network, Inc.

4. Evergreen intends to publish the fifth edition of the manual in late November 2011. ESC's procedures for updating our manuals include gathering input from the oversight committee as well as existing instructors and reviewing changes in the law. The fifth edition will use scale model photographs instead of the diagrams that RSA has claimed are infringing. Evergreen will start taking the photographs next week.

DATED this 20th day of July, 2011 in Seattle, Washington.

  
Tom Odegaard

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
CERTIFICATE OF SERVICE**

I, Julie L. Dunham Kelly, hereby make the following Declaration from personal knowledge:

On July 22, 2011, I presented the attached document to the Clerk of the Court for filing and uploading to the CM/EFC system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys for defendant:

Blake T. Ostler MacKey Price Thompson & Ostler, 57 West 200 South, Suite 350, Salt Lake City, UT 84101-3663 (bostler@mptolaw.com).	John Whitaker, WSBA No. 28868 Whitaker Law Group 1218 Third Ave, Suite 1809 Seattle, Washington 98101 john@wlawgrp.com
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s/Julie Kelly  
Julie Kelly

Due to the potential of breakdown or over the road emergencies the following items are suggested:  
(These items are not required, just best practice recommendations.)

Emergency repair supplies, such as:		
• Electrical or duct tape	• Extra headlight and taillight bulbs	• Flat tire inflator
• Fan belt	• 28" orange traffic cones	• Work gloves
• Motor oil	• Tarp	• Spare tire
• Antifreeze	• Jumper cables	• Rope
• Windshield washer fluid	• Automotive fuses	
• Tool box with basic tools (wrenches, pliers, screwdrivers, etc.)	• Reflective or retroreflective collars for traffic cones	
Other emergency supplies/equipment:		
• CB Radio and antenna	• Emergency supply of food	• Emergency blanket
• Emergency supply of drinking water	• Cold weather clothing	

Elements of this list were derived from the Washington Administrative Code (WAC 468-38-100); Pilot Car Escort Best Practices (a product of Federal Motor Carriers Safety Administration, Specialized Carriers & Rigging Association, and Commercial Vehicle Safety Alliance - 2004).

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